



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE 760 - CONTROLLED SUBSTANCES

GENERAL ORDER: 2010-23

ISSUED: August 6, 2010

EFFECTIVE: August 22, 2010

ACTION: Amends General Order 2008-57 (November 25, 2008)

760.00 PURPOSE

The purpose of this standard operating procedure is to identify the Department's procedures regarding controlled substances investigations, arrests, and the inventorying of controlled substances or paraphernalia.

760.05 DEFINITIONS

A “**controlled substance**” is a drug, substance or immediate precursor included in Schedules I to V in subchapter II [Wis. Stat. 961.01(4)].

1. Substances that have the appearance of a controlled substance but test “negative” shall be inventoried as controlled substances.
2. All prescription medications, scheduled or un-scheduled and “unknown” substances shall be inventoried as controlled substances.

“**Residue**” is minute traces of a controlled substance.

“**Drug paraphernalia**” is all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of Wis. Stat. Ch. 961.

760.10 DISTRICT STATIONS

- A. District commanders shall provide adequate workspace for drug testing.
- B. Only Department personnel trained in the use of the Narcotics Pouch (NPT) are authorized to test for controlled substances using the Narcotics Pouch. District commanders (District Two – Seven) shall ensure their district is stocked with narcotic testing pouches. [REDACTED]

[REDACTED]
REDACTED

- C. Districts Two through Seven's drug testing area shall be equipped with an electronic scale.

- D. [REDACTED]
REDACTED

- E. District commanders shall ensure that the controlled substances inventory reports at the district are maintained separately from all other inventory reports and that a sign out log is established to record the name of the officer using the controlled substances inventory report. All suspected controlled substances shall be inventoried using controlled substances inventory reports. [REDACTED]

REDACTED

District commanders shall ensure that adequate controlled substances inventory reports are available. The Property Control Section shall be contacted if more are needed.

- F. Security envelopes shall be used only to secure suspected or confirmed controlled substances. District commanders shall ensure that a sign out log is established to record the name of the officer using the security envelope. Any voided security envelopes shall be recorded as such and deposited in the district "drug safe."

District commanders shall ensure that adequate security envelopes are available. Printing and Stores shall be contacted to obtain additional security envelopes when needed.

760.15 **PROCESSING ARRESTS AND CONTROLLED SUBSTANCES****A. ARRESTS AND RECOVERED CONTROLLED SUBSTANCES**

1. All officers effecting a controlled substances related arrest and/or recovering suspected controlled substances, except those assigned to the Narcotics Division, shall immediately notify the shift commander of the district in which the arrest or recovery occurred. **This notification shall be made from the location of the arrest or recovery.**
2. If a large or unusual amount of controlled substances is recovered, District shift commanders should contact a Narcotics Division for guidance on how the controlled substances and/or arrest should be handled.

REDACTED

3. After receiving instructions from their shift commander regarding processing the case, officers shall **immediately** convey the arrested person and/or suspected controlled substances into the location where the arrest and controlled substances will be processed. **Officers shall not convey prisoners from the original arrest scene prior to receiving instructions for processing the case.** If exigent circumstances exist, and prior to receiving instructions where the arrest will be processed, the prisoner may be transported to a district station or Prisoner Processing Section (PPS).
4. All controlled substances shall be inventoried by placing the substances in a security envelope (Form PE-14S or M). If small items of paraphernalia are involved, they may also be placed into the security envelope along with the controlled substances.

REDACTED

If the controlled substances exceed the capacity of the security envelope, the controlled substance may be packaged in the larger envelopes (Form PE-14M) or telescoping boxes provided for packaging controlled substances. If the security envelope is numbered, the number shall be entered on the inventory report above the inventory report number. The member testing the controlled substance and a witness shall place his or her signature on the security envelope or box after the envelope has been sealed. After the inventory has been signed by a supervisor, the security envelope, as well as the inventory shall then be placed in the Narcotics Division drug vault or district safe. No other location may

be used to store controlled substances except as authorized by the Chief of Police or designee.

Generally, the arresting officer shall question the suspect(s) in custody in cases.

B. NARCOTICS INCIDENT REPORT

1. A *Narcotics Incident Report* (Form PV-3A, PV-3B or PV-3C) shall be completed whenever controlled substances are recovered. Only one PV-3A, PV-3B or PV-3C is required for seizures that occur at one location during a short time period even if it involves multiple types of controlled substances and/or multiple arrests.
2. A supervisor may determine that a *Department Memorandum* (Form PM-9E) (Lieutenant's Report) should be filed in lieu of the PV-3A, PV-3B or PV-3C. A Lieutenant's Report is filed in cases involving a significant seizure, buy-bust, search warrant, etc.
3. The PV-3A shall be used for all seizures and controlled substance arrests made by the Narcotics Division.
4. The PV-3C shall be used for all seizures and controlled substances arrests made by non-Narcotics Division personnel. The PV-3C shall be reviewed and signed by a supervisor.
5. The PV-3B shall be used in addition to PV-3A or PV-3C whenever multiple arrests are made and/or multiple seizures of controlled substances occur during one incident.
6. The Lieutenant's Report must be faxed to the Metropolitan Investigations Division upon completion if the case is processed at a district station.

C. FEDERAL ASSET FORFEITURE (MONEY SEIZURES)

1.

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2. If the circumstances as described above are present, officers shall immediately contact the shift commander of the district in which the recovery occurred from the scene. The shift commander shall contact a supervisor at the Narcotics Division, who shall determine whether there is a need to contact the Department's designated "seizing agent." If there is no supervisor available at the Narcotics Division, the shift commander shall then notify a supervisor from the Metropolitan Investigations Bureau.
3. If money is found during an investigation and/or arrest, and if nobody claims ownership of the money, all persons shall remain at the scene until directed by a Narcotics Division supervisor. If there is no supervisor available at the Narcotics Division, the shift commander shall then notify a supervisor from the Metropolitan Investigations Bureau.
4. The money shall not be inventoried or taken to any police facility and the person arrested or in possession of said money shall not be conveyed from the scene of the seizure, unless prior authorization is obtained from a Narcotics Division supervisor. If there is no supervisor available at the Narcotics Division, the shift commander shall then notify a supervisor from the Metropolitan Investigations Bureau.
5. If it is determined that officers are to inventory the money, the person arrested and in possession of the money shall be listed as the "claimant" on the *Inventory Report* (Form PP-32), unless he/she expressly denies ownership. In such cases, this information shall be documented in the "Circumstances" field of the PP-32.


D. CASES PROCESSED AT NARCOTICS CONTROL DESK (6TH Floor PAB)

The following cases may be processed at the Narcotics Control Desk:



1. Criminal Investigation Bureau (CIB) arrests, (e.g., individual arrested for armed robbery) when controlled substances are found on his/her person.
2. Female controlled substances related arrests as determined by any CIB supervisor.

3. Unusual or uncommon controlled substances cases (e.g., presumptive test required, prescription cases, etc.) as determined by a Narcotics Division supervisor. If there is no supervisor available at the Narcotics Division, the shift commander shall then notify a supervisor from the Metropolitan Investigations Bureau.
4. Controlled substances arrests/seizures that occur within District One's boundaries.
5. All other controlled substances cases as determined by any CIB supervisor.

E. PROPERTY CONTROL SECTION (PCS)

1. PCS shall be responsible for the retention of evidence in all narcotics cases.
2.  REDACTED
3. Upon receipt of the envelope, the PCS officer shall stamp, initial, and date the security envelope.
4. The PCS officer shall date and initial the security envelope before transporting the envelope to the Regional Crime Laboratory.

760.20 "NO CASE" CONTROLLED SUBSTANCES RECOVERY

- A. When a shift commander determines that recovered controlled substances will be processed as a "no case" 
 REDACTED the suspected controlled substances shall immediately be conveyed to the district station
- B. The district shift commander shall have the suspected controlled substance tested and the weight recorded. The district shall retain the original PV-3C.

Note: There shall be no delays with processing suspected controlled substances.

760.25 CITY MARIJUANA CASES**A. MUNICIPAL CITATION**

City Ordinance 106-38.2 allows officers to issue a municipal citation for possession of 25 grams, or less, of marijuana that appears to be solely for personal use. However, under the following circumstances, possession of any quantity of marijuana shall be considered a violation of state statutes and processed through the District Attorney's Office.

1. Previous arrest and/or conviction for Possession of Marijuana, either as a violation of municipal ordinance or state statute.
2. Previous arrest and/or conviction for any other violations of the Uniform Controlled Substances Act, as set forth in Wisconsin State Statute 961.
3. Previous conviction for any felony.
4. Previous conviction for any misdemeanor crime involving violence (e.g., battery-domestic violence).
5. Persons on probation or parole.

Note: If there is any question, a Narcotics Division supervisor should be contacted for a final determination of a city or state case.

- B. If a Narcotics Division supervisor determines the case should be processed as a city case under City Ordinance 106-38.2, the suspected controlled substance shall immediately be conveyed to the district station.
- C. The district shift commander shall have the suspected controlled substance tested and the weight recorded. A PV-3C shall be completed and retained at the district. The arresting officer shall question the suspect in custody. A PA-45A and PA-45B shall be completed. The interview need not be recorded.

Note: There shall be no delays with processing suspected controlled substances.

760.30 **RELEASE/DESTRUCTION OF CONTROLLED SUBSTANCES**

- A. Only a commanding officer or designee of at least the rank of lieutenant is authorized to release evidence from a controlled substances case.
- B. The PCS shall be responsible for the destruction of controlled substances and related paraphernalia in conformity with the following:
 - 1. In cases where constructive possession cannot be proven (i.e., “no case” controlled substances), as well as municipal cases, inventoried controlled substances and/or paraphernalia can lawfully be disposed of according to current retention schedules.
 - 2. With a disposition order, controlled substances from misdemeanor and/or felony cases may be lawfully disposed of one (1) year following the date of final disposition of the case, if no appeal has been filed.



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CHIEF OF POLICE